IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

MONDAY, THE THIRTY FIRST DAY OF JANUARY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE SRI DEVINDER GUPTA,THE CHIEF JUSTICE

and
THE HON'BLE MR JUSTICE M.NARAYANA REDDY

WRIT APPEAL NO : 186 of 2005

(Writ Appeal under Clause 15 of the Letters Patent against the Order dated 08/12/2004 in WP NO : 22698 OF 2004 on the file of the High Court.)

Between:

C.Kesava Reddy, S/o.Ranga Reddy
R/o.Appecherla Village and Post, Peddavadugur Mandal, Ananthapur District.

..... APPELLANT

AND

1 C.Malini, W/o.Gopal,
R/o.Appecherla Village and Mandal, Peddavadugur Mandal

Ananthapur District.
2 The Revenue Divisional Officer, Ananthapur, Ananthapur District,

.....RESPONDENTS

Counsel for the Appellant:MR.K.SRINIVAS

Counsel for the respondent No.1: Mr.P.Nagender Reddy

Counsel for the Respondent No.2: GP FOR CIVIL SUPPLIES

The Court at the admission stage made the following :

ORAL ORDER: (per the Hon'ble the Chief Justice)

Appeal has been preferred by a cardholder on obtaining leave of the court to challenge the order disposing of the writ petition of the first respondent by the learned single Judge on 8-12-2004.

By proceedings dated 24-7-2004, dealership of the writ petitioner was suspended on various charges which are serious enough. The charges include sale of sugar and kerosene oil as also rice as fair price shop dealer at a rate higher than the prescribed rates by the Government thereby contravening the conditions of authorization, writ petitioner acting as fair price shop dealer only for one group of villagers while not providing food grains to the group of the other party, short supply of articles and not maintaining the records properly. While granting time to show cause why authorization be not cancelled, the Revenue Divisional Officer suspended the licence of the writ petitioner against which appeal was preferred, but no interim orders were granted. Aggrieved thereby, the writ petitioner filed a writ petition in this court and obtained an order enabling him to continue as dealer till the disposal of the appeal. Appeal was dismissed against which writ petitioner filed W.P.No.17077 of 2004. The said writ petition was disposed of with direction that the respondent No.2 shall dispose of the proceedings within two weeks from the date of receipt of the writ order and that the writ petitioner shall be continued as dealer for the month of October 2004. Complaining that no orders have been passed by the 2nd respondent as directed by the court, the present writ petition was filed. Learned single Judge while disposing of the writ petition, once again directed that till the 2nd respondent passes an order as directed in W.P.No.17077 of 2004, writ petitioner shall be continued as dealer. In other words, learned single Judge proceeded to suspend the effect of the order of suspension, which is not permissible in law. There cannot be any suspension of an order of suspension thereby setting at naught the

very order of suspension. Similar orders passed by same learned single Judge had been set aside by this Bench simply on the ground of propriety in passing such orders. At the most, there could be a direction to dispose of the proceedings or the appeal expeditiously but not to suspend the order of suspension.

Appeal accordingly is allowed. Impugned order is set aside and the writ petition stands dismissed.

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DEVINDER GUPTA, CJ

31-1-2005

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M.NARAYANA REDDY, J

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To

1. The Revenue Divisional Officer, Ananthapur, Ananthapur District,
2. 2 CCs to the Govt. Pleader for Civil Supplies, High Court Buildings, Hyderabad (OUT).
3. 2 CD copies.